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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,820	09/26/2001	David G. Leeper	42390P10398	2634

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EXAMINER

VARTANIAN, HARRY

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/964,820

Applicant(s)

LEEPER, DAVID G.

Examiner

Harry Vartanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered Claims 6-26 have been renumbered to 5-25. Any references to Claims below have taken into account the new numbering.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Trompower et al(US Patent #6,088,591). Regarding Claims 1 and 5 Trompower et al discloses a method and system where base stations exchange hopping sequences information using a backbone connection(Abstract).

Regarding Claims 2, 3, 16, 19-20, Trompower et al discloses the use of a wired twisted pair network or wireless means to exchange hopping sequences(Column 8, Line 37-40).

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Regarding Claims 4 and 14, Trompower et al discloses that "after performing the priority fast scan in step 626, the processor 200 goes to step 628 in which it determines if a base station 154, 156 providing a better signal than the current base station was identified in step 626. If yes, the processor 200 proceeds to step 630 in which, having locked on to the hopping sequence of the identified base station 154,156 in step 626, the processor 200 causes a registration request packet to be transmitted to the identified base station." (Column 30, Lines 20-38) The transmission of the registration request packet is equivalent to checking whether or not a mobile device has been handed over. It is also an indication of the second base station, or first master, is receiving the signal from the slave device.

Regarding Claims 6 and 7, Trompower et al discloses the method of handing over a mobile terminal from one base station to the other after hopping sequences have been exchanged(Column 9, Lines 47-51).

Regarding Claims 8, 9, and 25 Trompower et al describes the method of handing off a mobile terminal once the signal strength falls below a threshold value(Column 31, Lines 44-48).

Regarding Claim 10 and 17, Trompower et al describes the updating of roaming tables of mobile stations, which in turn later update other base stations and terminals after handoff(Column 24 lines 21-43). Therefore "neighboring" base station tables are updated using this method.

Regarding Claims 11, 13, 18, and 21, Trompower et al describes the mobile devices in his system being able to send beacon packets to base stations with updated hopping sequences when moving to a new cell. More specially, "As is explained below in connection with FIGS. 15A-15B, a mobile terminal 166 which newly registers with a base station 154, 156 transmits a mobile terminal update packet to the new base station 154, 156 which includes current hopping sequence timing information and test pattern information for the

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base station 154,156 with which the mobile terminal 166 was previously registered." (Column 24, Lines 44-54) Since base stations also send their information to each other through the backbone as disclosed above, it can be inferred that the mobile stations, or "slaves", are in fact sending their hopping sequences to base stations, or "masters", in other cells.

Regarding Claim 12, Trompower et al describes the switching of hopping sequences of the mobile terminal during handoff (Column 2, Lines 31-37).

Regarding Claim 15 and 24, Trompower et al describes the use of sending beacon packets to exchange hopping sequences (Column 3, Lines 27-30).

(Column 10, Lines 9-32). The acknowledgment of signal reception in Claim 23 was a noted method in the paragraphs above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry Vartanian whose telephone number is 703.305.8698. The examiner can normally be reached on 9-5:30 Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703.305.4714. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is NONE.

Harry Vartanian  
Examiner  
Art Unit 2634

HV

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**